

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

John Doe,

Plaintiff,

vs.

Childs Cantey Thrasher, Donald Gist, Brian M. Barnwell, Scott E. Frick, AJ Holloway, Don Jackson, and Brandolyn Thomas Pinkston, in their official capacities as members of the South Carolina Ethics Commission; Alan Wilson, in his official capacity as Attorney General; and Byron Gipson, in his official capacity as Fifth Circuit Solicitor,

Defendants.

Civil Action No. 3:21-cv-02748-MGL

**CONSENT MOTION TO INTERVENE BY
JAMES H. (Jay) LUCAS, SPEAKER OF
THE SOUTH CAROLINA HOUSE OF
REPRESENTATIVES AND THE SOUTH
CAROLINA HOUSE OF
REPRESENTATIVES**

Pursuant to Rule 24 of the Federal Rules of Civil Procedure, Representative James H. (“Jay”) Lucas, in his capacity as the Speaker of the South Carolina House of Representatives (herein after “Speaker Lucas”), and the South Carolina House of Representatives, respectfully move to intervene as Intervenor-Defendants in the above-captioned action, which seeks to challenge the constitutionality of certain provisions of S.C. CODE ANN. §§ 8-13-100, *et seq.*, (hereinafter the “Ethics Act”). *See* ECF No. 1.

STANDARD FOR INTERVENTION

Rule 24(a) (2) provides that “[o]n timely motion, the court must permit anyone to intervene who claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant’s

ability to protect its interest, unless existing parties adequately represent that interest.” Similarly, Rule 24(b) (1) (B) permits intervention as a matter of the Court’s discretion when the movant “has a claim or defense that shares with the main action a common question of law or fact.” In either instance, “liberal intervention is desirable to dispose of as much of a controversy ‘involving as many apparently concerned persons as is compatible with efficiency and due process.’” *Feller v. Brock*, 802 F.2d 722, 729 (4th Cir. 1986) (quoting *Nuesse v. Camp*, 385 F.2d 694, 700 (D.C. Cir. 1967)).

DISCUSSION

As noted below in the Certificate of Consultation, the undersigned counsel consulted with all parties currently in this case via email regarding the substance of this Motion and counsel for each party has graciously consented to Speaker Lucas’ and the South Carolina House of Representatives’ Motion to Intervene. South Carolina Senate President Thomas C. Alexander has also moved to intervene in this case, also with the consent of the parties. *See* ECF No. 41. This Court has since granted President Alexander’s consent motion. *See* ECF No. 44.

Because the current Defendants do not enact South Carolina law, and, hence cannot adequately represent the interests of the South Carolina Legislature in this action, Speaker Lucas and the South Carolina House of Representatives assert they entitled to intervene as a matter of right to defend the South Carolina statute under examination or otherwise respond to the issues of public importance raised by this case. Speaker Lucas and the House of Representatives adopt herein all of the reasons included in President Alexander’s motion for intervention. [ECF No. 41] In the alternative, for the same reasons articulated by President Alexander, Speaker Lucas and the House of Representatives respectfully move this Court for an Order granting permissive

intervention pursuant to Fed. R. Civ. P. 24(b) to protect the interests of the South Carolina General Assembly.

CERTIFICATION OF CONSULTATION

The undersigned certifies that prior to filing this motion, she emailed counsel for each of the parties to this action to request their consent to this motion. All parties to this case consented to the intervention of Speaker Lucas and the South Carolina House of Representatives.

Respectfully submitted,

s/Susan P. McWilliams

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House of Representatives

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